

HOUSE BILL 993

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HB 656/02 - ENV

2003 Regular Session
3lr2417

By: ~~Delegate Costa~~ **Delegates Costa, Hurson, Hammen, Benson, Boutin, Bromwell, Donoghue, Elliott, Goldwater, Haynes, Hubbard, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, and Weldon**

Introduced and read first time: February 14, 2003
Assigned to: Rules and Executive Nominations
Re-referred to: Health and Government Operations, February 27, 2003

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Nursing Homes - Quality of Care - Assisted Living Services**

3 FOR the purpose of adding assisted living services to the Oversight Committee on
4 Quality of Care in Nursing Homes; adding a representative from the Maryland
5 Assisted Living Association and a representative who owns an assisted living
6 facility to the Committee; requiring the Committee to ~~evaluate certain~~
7 ~~regulations~~ develop certain recommendations on assisted living services;
8 ~~requiring the Committee to make certain recommendations to improve quality~~
9 ~~of care by a certain date~~; and generally relating to quality of care of assisted
10 living services.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 19-1409
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 19-1409.

3 (a) There is an Oversight Committee on Quality of Care in Nursing Homes
4 AND ASSISTED LIVING PROGRAMS.

5 (b) The Oversight Committee shall consist of the following members:

6 (1) Two members of the Senate Finance Committee, appointed by the
7 President of the Senate;

8 (2) Two members of the Senate Economic and Environmental Affairs
9 Committee, appointed by the President of the Senate;

10 (3) Four members of the House ~~Environmental Matters~~ Health and
11 Government Operations Committee, appointed by the Speaker of the House;

12 (4) The Secretary of the Department of Aging;

13 (5) The Secretary of the Department of Health and Mental Hygiene, or
14 the Secretary's designee;

15 (6) Three representatives of area agencies on aging, appointed by the
16 Secretary of Aging;

17 (7) One representative from the Health Facilities Association of
18 Maryland;

19 (8) One representative from the Mid-Atlantic Non-Profit Health and
20 Housing Association;

21 (9) One representative of the Hospice Network of Maryland;

22 (10) One representative of the Maryland Hospital Association;

23 (11) One representative of the Service Employees International Union;
24 [and]

25 (12) Two consumer members appointed by the Governor; ~~AND~~

26 (13) ONE REPRESENTATIVE WHO OWNS AN ASSISTED LIVING FACILITY;
27 AND

28 ~~(13)~~ (14) ONE REPRESENTATIVE OF THE MID-ATLANTIC LIFE SPAN
29 ASSOCIATION.

30 (c) The Secretary of Aging shall chair the Oversight Committee.

31 (d) The Oversight Committee shall monitor and evaluate implementation of
32 the recommendations of the Task Force on Quality of Care in Nursing Facilities,

1 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999
2 and relevant legislation enacted subsequent to the recommendations of the Task
3 Force.

4 (e) The Oversight Committee shall evaluate the progress in improving
5 nursing home care quality statewide, including consideration of:

6 (1) Quality of care standards for nursing homes;

7 (2) Staffing patterns and staffing standards;

8 (3) Policies and procedures for inspecting nursing homes and responding
9 to quality of care complaints;

10 (4) A comparison of Maryland standards, policies, and procedures to
11 those in other states;

12 (5) The labor pool available to fill nursing and nursing aide jobs; and

13 (6) State funding mechanisms for nursing homes, including the Medicaid
14 Nursing Home Reimbursement System, and regulation of nursing homes.

15 (f) (1) The Office of Health Care Quality in the Department of Health and
16 Mental Hygiene shall submit a report to the Oversight Committee twice annually on
17 the implementation of the Task Force recommendations and the status of quality of
18 care in nursing homes.

19 (2) The reports shall be submitted on March 1 and September 1 of each
20 year.

21 (g) The Deputy Secretary of Health Care Financing shall report annually to
22 the Oversight Committee on the status of the Medicaid Nursing Home
23 Reimbursement System, which shall include but not be limited to:

24 (1) Elements of the existing methodology that are no longer relevant;

25 (2) Elements of the existing methodology that can be revised;

26 (3) The appropriateness of redesigning the system given changing
27 demographics of the target population; and

28 (4) General Fund and federal fund savings from a system redesign that
29 may be redirected to nursing home staff development in the nursing cost center.

30 (h) The Oversight Committee shall review the reports of the Office of Health
31 Care Quality and the Deputy Secretary of Health Care Financing and develop
32 recommendations to continue improvement in nursing home care.

33 (I) ~~(I) THE OVERSIGHT COMMITTEE SHALL EVALUATE REGULATIONS ON~~
34 ~~ASSISTED-LIVING PROGRAMS AND SERVICES, INCLUDING THE DEVELOP~~

1 RECOMMENDATIONS TO CONTINUE IMPROVEMENTS IN ASSISTED LIVING FACILITY
2 CARE, INCLUDING ISSUES RELATED TO:

3 ~~(I)~~ (1) ADMINISTRATION OF MEDICATION;

4 ~~(II)~~ (2) QUALIFICATIONS OF STAFF; ~~AND~~

5 ~~(III)~~ (3) NUMBER OF STAFF; AND

6 (4) ALZHEIMER'S TREATMENT AND CARE.

7 ~~(2)~~ ~~BY FEBRUARY 2, 2004, THE OVERSIGHT COMMITTEE SHALL MAKE~~
8 ~~RECOMMENDATIONS TO IMPROVE THE QUALITY OF CARE IN ASSISTED LIVING~~
9 ~~SERVICES.~~

10 [(i)] (J) The Oversight Committee shall report its findings and
11 recommendations to the Governor and, subject to § 2-1246 of the State Government
12 Article, to the General Assembly on or before December 1 of each year.

13 [(j)] (K) The Department of Aging, with assistance from the Department of
14 Health and Mental Hygiene and the Department of Legislative Services, shall provide
15 staff support for the Oversight Committee.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect ~~October~~ June 1, 2003.